



2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
Grist Mill Pond: North 575 feet and East 200 feet from SW corner of Section 14	SW¼ of SW¼	14	8S	22E	MD
Home Lake: North 2,050 feet and West 1,600 feet from SE corner of Section 14	NW¼ of SE¼	14	8S	22E	MD
<b>MOSSY II RESERVOIR</b>					
<u>STORAGE</u> North 50 feet and East 1,250 feet from SW corner of Section 14	SW¼ of SW¼	14	8S	22E	MD
<u>DIVERSION TO OFFSTREAM STORAGE</u> Mossy I Reservoir: Due East 1,435 feet from SW corner of Section 14	SE¼ of SW¼	14	8S	22E	MD
<u>REDIVERSION</u> Grist Mill Pond: North 575 feet and East 200 feet from SW corner of Section 14	SW¼ of SW¼	14	8S	22E	MD
Home Lake: North 2,050 feet and West 1,600 feet from SE corner of Section 14	NW¼ of SE¼	14	8S	22E	MD

County of Madera

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Fire Protection						
Stockwatering						
Recreational	Sneaky Lake within SE¼ of SW¼	14	8S	22E	MD	
	Mossy II Reservoir within SW¼ of SW¼	14	8S	22E	MD	
Irrigation	NE¼ of SE¼	14	8S	22E	MD	1.5
	NW¼ of SE¼	14	8S	22E	MD	5.0
	SW¼ of SW¼	14	8S	22E	MD	3.5
	SE¼ of SE¼	15	8S	22E	MD	2.5
					TOTAL	12.5

The place of use is shown on map on file with the State Water Resources Control Board.

Application 29966

Permit \_\_\_\_\_

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 21.5 acre-feet per annum to be collected from December 1 of each year to April 15 of the succeeding year as follows: 11 acre-feet per annum in Sneaky Lake, and 10.5 acre-feet per annum in Mossy II Reservoir. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall be prosecuted with reasonable diligence and shall be completed by December 31, 2001. (0000008)

8. Complete application of the water to the authorized use shall be made by December 31, 2005. (0000009)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

11. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

13. This permit is subject to the continuing authority of the State Water Resources Control Board to reduce the amount of water named in the permit upon a finding by the Board that the amount is in excess of that reasonably needed to be held in storage for the authorized use. No action will be taken by the Board without prior notice to the owner and an opportunity for hearing. (0000042)

14. Permittee, when required by the State Water Resources Control Board, shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the Board, in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Permittee shall submit plans and specifications of the outlet pipe or alternative facility to the Chief of the Division of Water Rights for approval within six months of the date upon which the Board issues notice that an outlet is required. Permittee shall furnish evidence which substantiates that the outlet pipe or alternative facility has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050044)

15. Permittee shall install and properly maintain staff gages in Mossy I and Mossy II Reservoirs, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoirs.

Permittee shall record the staff gage readings on or about December 1 of each year. Such readings shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee.

The State Water Resources Control Board may require the release of water which cannot be verified as having been collected to storage prior to April 1 of each year. (0000047)

16. This permit is specifically subject to the prior rights of Neal Bladen under Stockpond Certificate 2118, amounting to 7.2 acre-feet. In the event that the storage under Stockpond Certificate 2118 has not reached the invert of the main concrete spillway by April 1 of each year, the permittee shall release sufficient water to raise the water level to the invert of the main concrete spillway, upon the request of Neal Bladen or his successor in interest, or provide evidence to the Board that water was not available during the previous collection season. (0000051)

17. This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the San Joaquin River are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing. (0000090)

18. No diversion is authorized by this permit under the following conditions: (1) when in order to maintain water quality in the San Joaquin River at Vernalis at a level of 500 parts per million (ppm) Total Dissolved Solids (TDS), the Bureau of Reclamation is releasing stored water from New Melones Reservoir or is curtailing the collection of water to storage, or (2) during any time of low flows when TDS

levels at Vernalis exceed 500 ppm. These restrictions shall not apply when, in the judgment of the State Water Resources Control Board, curtailment of diversion under this permit will not be effective in lowering the TDS at Vernalis, or when in the absence of permittee's diversion, hydraulic continuity would not exist between permittee's point of diversion and Vernalis. The Board shall notify permittee at any time curtailment of diversion is required under this term. (0000093)

19. This permit is subject to the continuation of a Range Management Program within the watershed of the reservoir under this permit which will control the growth of brush to the extent to which the growth of brush was controlled in such watershed under the applicant's range management program in 1983, and shall consist of a periodic removal of brush from 54 acres within T8S, R22E, MDB&M. Permittee shall provide to the State Water Resources Control Board, at regular intervals not to exceed five years, satisfactory evidence of compliance with this paragraph. Permittee shall continue to conduct his brush clearing program in the same manner it has been conducted. Elements of the program conducted by the permittee that should be continued include:

- a. Brushing shall be done selectively. To prevent erosion and preserve wildlife habitat, no areas shall be clear brushed.
- b. To preserve critical wildlife habitat and to control erosion, no riparian vegetation shall be brushed. Additionally, vegetation along draws and gulleys prone to erosion shall not be brushed.
- c. Mature trees shall be left standing. They should not be included in the brushing program.
- d. All brushing should be done by hand using hand-held machinery. Large machinery such as tractors should not be used.
- e. To the extent it is possible, cleared brush should be left on the property to serve as wildlife habitat and cover.
- f. Steps shall be taken to control erosion should any occur. Such steps should include construction of gabions (rock and wire mesh), mulch and seeding with native grasses. (0020118)

20. For the purposes of retaining water within the designed spillway of Mossy I, the permittee shall, within six months of permit issuance, submit plans, acceptable to the Chief of the Division of Water Rights, that demonstrate that water will be prevented from exiting the last 30 feet of the left downstream side of the spillway. Said plans shall be prepared by a registered civil or agriculture engineer. The permittee shall install said device within one year of permit issuance.

(0400500)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

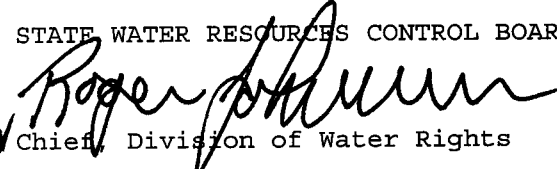
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: July 17, 1996

STATE WATER RESOURCES CONTROL BOARD

  
for Chief, Division of Water Rights